HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 21047 of 2005

Dated 11th October, 2007

Between

Dasineni Hanumaiah and ors

…Petitioners

and

Government of Andhra Pradesh, rep. By its
Secretary, Cooperation Department, Secretariat,
Hyderabd, and, ors

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 21047 of 2005

ORDER:

In this Writ Petition, the petitioners seek Writ of Mandamus to declare the action of the respondents 1 to 3 in taking steps to sell the lands admeasuring Ac.1.19 gunts in R,.S.No. 442/3 and Ac.0.69 guntas in RS.No.442/3 of Aswaraopalem village, Avanigadda Mandal in Krishna District pursuant to the surcharge order passed by the second respondent in RC.No.2056/2003/D, dated 21-2-2004, under Section 60 of the AP Cooperative Societies Act, 1964, as illegal and arbitrary.

Counter affidavit is filed stating that the said surcharge order is passed against the fourth respondent and the petitioners have no right

to challenge the said order in this Writ Petition.

Though the auction of the above said lands is questioned on various grounds, but however, in the counter affidavit filed on behalf of the second respondent-Deputy Registrar of Cooperative Societies, it is stated that against the surcharge order dated 21-2-2004 passed against the fourth respondent, the fourth respondent filed O.A.No. 64 of 2004 on the file of the AP Cooperative Tribunal, Vijayawada and the said appellate authority has set aside the order dated 21-2-2004, by remanding the matter for fresh enquiry by the competent authority under Section 60 of the AP Cooperative Societies Act, 1965. It is stated that as much as order dated 21-2-2004 was set aside, no further action is being taken for conduct of public auction of the property pursuant to the order dated 21-2-2004. In view of the averments in the counter affidavit, I dispose of the Writ Petition directing the respondents not to take any further action pursuant to the order dated 21-2-2004. However, it is made clear that after passing of the orders by the primary authority consequent upon remanding of the matter, it is open for the respondents to proceed in accordance with law.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 11-10-2007.
Msnr.